

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

**IN RE: JOHNSON & JOHNSON  
TALCUM POWDER PRODUCTS  
MARKETING, SALES PRACTICES,  
AND PRODUCTS LIABILITY  
LITIGATION**

***THIS DOCUMENT RELATES TO ALL  
CASES***

**MDL No. 16-2738 (MAS) (RLS)**

***THIS DOCUMENT RELATES  
TO ALL CASES***

---

**PLAINTIFFS' STEERING COMMITTEE'S MOTION FOR  
RECONSIDERATION OF THE COURT'S MARCH 27, 2024 TEXT ORDER  
FOR A FULL REILING OF *DAUBERT* MOTIONS**

---

**PLEASE TAKE NOTICE** that, at 9:00 a.m. on May 6, 2024, or at such other time as set by the Court, Plaintiffs, by and through the Plaintiffs' Steering Committee (PSC), will Move for Reconsideration of the Court's March 27, 2024 Text Order for a Full Refiling of *Daubert* Motions.

As fully discussed in Plaintiffs' Memorandum of Law in Support of this Motion, the Court should reconsider its order for a full refiling of the parties' *Daubert* Motions because the record does not support it. The Court overlooked the following facts and law: (1) recent changes to Federal Rule of Evidence 702 were not intended to, and did not, change the law on *Daubert*; (2) Judge Wolfson's April 27, 2020 *Daubert* Opinion is the law of the case and her Opinion properly applied

a preponderance standard; (3) the few new studies that have emerged post-2020 do not change the experts' methodology or the well-reasoned findings in Judge Wolfson's *Daubert* Opinion; and (4) existing case law does not support a full refiling of all *Daubert* Motions.

Instead, the Court should limit *Daubert* motions to the following:

(1) newly disclosed experts who employed different methodologies than addressed by the prior *Daubert* Order; (2) previously disclosed experts not addressed by the prior *Daubert* Order; and (3) any expert opinions not addressed by the prior *Daubert* Order.

Plaintiffs respectfully request that the Court grant the Motion Reconsideration of the Court's March 27, 2024 Text Order for a Full Refiling of *Daubert* Motions. A proposed order is attached for the Court's consideration.

Dated: April 4, 2024

Respectfully submitted,

s/ Michelle A. Parfitt

Michelle A. Parfitt  
ASHCRAFT & GEREL, LLP  
1825 K Street, NW, Suite 700  
Washington, DC 20006  
Tel: 202-335-2600  
mparfitt@ashcraftlaw.com

s/ P. Leigh O'Dell

P. Leigh O'Dell  
BEASLEY, ALLEN, CROW,  
METHVIN PORTIS & MILES, P.C.

218 Commerce St.  
Montgomery, AL 36104  
Tel: 334-269-2343  
leigh.odell@beasleyallen.com

***Plaintiffs' Co-Lead Counsel***

s/ Christopher M. Placitella  
Christopher M. Placitella  
COHEN, PLACITELLA & ROTH,  
P.C.  
127 Maple Ave.  
Red Bank, NJ 07701  
Tel: 732-747-9003  
clpacitella@cprlaw.com

***Plaintiffs' Liaison Counsel***

**CERTIFICATE OF SERVICE**

I hereby certify that on April 4, 2024, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the CM/ECF participants registered to receive services in this MDL.

Respectfully submitted,

*s/ Michelle A. Parfitt*  
Michelle A. Parfitt